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ABSTRACT

Intervention by judges in CEDA (Cross Examination Debate Association) debates is inappropriate: critics should not strive to impose their views on debates. It is important to consider the ramifications of judge intervention due to the recent increase in critics who impose their paradigm on the debate participants. Two very recent trends are particularly disturbing: language use intervention; and judges who allow debaters to converse with them and add arguments that the critic may not have followed or does not remember. One possible alternative is ballot or oral criticism that does not affect speaker points. A second solution is an increase in the use of mutual preference judge assignments. A more radical solution is that of participant consensus. Even if these solutions do not appeal to a majority of coaches, judges, and debaters, it would seem obvious that judge intervention needs to be stopped to increase the educational value of competitive debate. (RS)

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"Judge Intervention: Solutions to an Age Old Dilemma"

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"Judge Intervention: Providing Solutions to an Age Old Dilemma"

As CEDA debate has evolved many debaters have continuously tried to extend the limits as to what is perceived as legitimate ground for debate. These debaters are frequently met by roadblocks in the form of judge intervention that obstructs the competitors intellectual pursuits. This paper argues that judge intervention is inappropriate and that critics should strive to not impose their views on debates. The basis for this argument is education. Several authors have expressed the value of debate as a method for increasing critical thinking and research skills. Recently, Smith cited Colbert and Biggers to argue that "CEDA debate, by being a co-curricular learning activity, gives students the opportunity to learn a new topic each semester while developing their abilities as effective researchers, critical thinkers, and persuasive speakers (88)" Furthermore, Preston points out that "Educational debate strives to promote critical thinking and rigor in research (34)." In fact, this is the primary justification for debate as an educational activity and our actions as judges should be guided with this in mind. I will examine the trend toward intervention and propose models to combat the problem. I believe that judge intervention hurts the activity and stifles students intellectually. As educators and critics, we should strive for the elimination of this subjective practice and seek to encourage young minds capable of determining the present and future of their activity.

Now is a particularly important time to consider the ramifications of judge intervention due to the recent increase in critics who impose their paradigm on the participants. Wood explains that debaters will respond to judges expectations,

> An assumption underlying this analysis is that debaters will be responsive to judge expectations. As judges, we generally get back from debates what we expect of them. This assumption speaks to the enormous power judges have to shape the activity if those expectations are made known to the debaters. Pfau, Thomas, and Ulrich explain audience adaption in debate: 'If debaters can learn to anticipate the expectations that different judges have of what makes for 'the better job of debating,' then they can practice the art of adapting to them' (296). They argue that debaters first must be aware of the judge's criteria for decision and then adapt to that criteria (72).

Additionally, CEDA has a prominent number of judges more than willing to disregard arguments that don't fit within their model of legitimacy. Even the sacred ground of tabula rasa judges has been desecrated by these judges. Brey illustrates this point,

> If tabula rasa implies an open agenda towards evidence, analysis, and theory then one would not expect exceptions to the paradigm. Nevertheless, for some tabula rasa judges such exceptions or qualifications do exist. The nature of such qualifications to the tabula rasa paradigm remain vague. For example, one judge wrote 'I am tabula rasa to the extent that I will allow virtually any argument to be presented. I will, however, intervene against ridiculous arguments (90).

Brey goes on to explain that almost a quarter of judges appearing in the 1987 and 1988 CEDA National Judging Philosophy Book are very likely to intervene in a debate:

> The third most popular paradigm was the critic of argumentation (23.7%). Critics of argumentation tend to intervene during the debate round in an attempt to insure the sound use and development of logic and argumentative skills on the part of the participants: 'Being handed a ballot does not require one to become stupid and willing to swallow every silly argument that is dished up during the round. I am perfectly capable of voting for arguments that I despise, but I do not vote for putative bad arguments. I do not pretend that all arguments are equal; there are some that are so tactically error ridden that they can't serve as a justification for a ballot (69-70).

One possible outgrowth of this phenomena can be found in Preston's explanation of a fairly new trend in CEDA- theory debate.

> Recently, a new genre of generic argumentation has emerged in CEDA debate- the generic theory argument. Teams may spend much time defending generic arguments on the definitive issues, at the expense of discussing substantive topic-specific issues as an afterthought. To avoid the burden of rejoinder, negative teams also try to 'pull the affirmative off of its case' as early as first negative constructive by using extensive generic theory briefs (34-5).

Theory argument has brought more interventionists out of the woodwork. Steinfatt is a

judge/coach who has backlashed at this new type of argumentation. "When debaters begin debating debate theory, as a stock metapropositional issue, I think things have gone a bit too far. Why is it we should care, as an issue during a debate round, that a debate authority says that you have to do this or that in a debate? If that is so the judge should know it and penalize for it or its absence (69)."

The increased willingness of judges to insert themselves into the debate compels me to answer Steinfatt's question. "Why is it we should care, as an issue during a debate round, that a debate authority says that you have to do this or that in a debate?" Initially, I defer to Preston "The process whereby a student comes to understand the alternative positions scholars have taken in such disputes and how those positions can be used in a debate round cannot help but enhance a students research skills, critical thinking ability, and persuasiveness in communicating from a position of sound theoretical knowledge (36)." In addition to the rationale provided by Preston I would add the importance of a debater being able to respond to these theoretical positions or for that matter any "generic position". If judges refuse to evaluate positions presented and insufficiently argued by the opposition two things are likely to happen. First, we will see a continuing trend towards some of those "stellar" responses that have already become to prevalent in competitive debate, a few notable examples being "That's stupid" and "This is CEDA I don't have to read evidence". Secondly, this type of judging discourages research. If teams can count on judges disregarding theory issues and any position that has an impact of nuclear war then they will have no incentive to research these positions. We would be hurting the educational process by doing this. "Effective introduction, use, and discussion of evidence could be taught off-season as these new positions are developed. Such practice will benefit the student in later academic and profession life as the student learns not to take for granted the impacts of such phenomena as economic growth, nuclear proliferation, and the international drug trade (Preston 39)." Additionally, opponents will be encouraged to research these positions. Maybe, it is not the most intuitive position that we will have an ice age by 1995 if welfare spending is increased but there is certainly no harm in debaters finding evidence indicating that this is the

case. In fact, there is a substantial amount of educational benefit if they are "forced to the library."

Interventionist critics such as the three quoted previously may as well proclaim before the debate begins that this will be a five person contest. The contestants should be aware that they are not just debating each other but the critic as well. It will therefore be necessary to guess which arguments the judge thinks are ridiculous, hypothesize as to why they are considered ridiculous, and then attempt to answer the critic's arguments. An alternative for debaters involved in these debates is to change their entire argumentative strategy to try and adapt to these types of critics. However, even this strategy is reliant on guesswork since judging philosophies seldom are detailed enough to lend help in ascertaining what is "stupid" or "ridiculous". My argument is that this is not something debaters should have to concern themselves with. In fact, it should be the responsibility of the judge to adapt to the debaters. Wood explicates a concern about this philosophy, "Morello and Soenksen would see Mahoney's position as allowing the tail to wag the dog and argue that, without clear judge expectations to the contrary (in the form of a rule for ADA), coaches will not be able to 'leash the beast' (73)." There is no reason to 'leash the beast' more commonly referred to as debaters. My position is that to allow critics to dictate to debaters how things should be done is the real example of the tail wagging the dog. It is the functional equivalent of a coach stopping a Bulls game to explain to Michael Jordan that he is no longer allowed to shoot jump shots with one hand and instead he should revert to the tried and true two-handed set shot. As coaches and judges we need to remember that debate is a competitive activity for undergraduate students and its evolution should be left to them.

New Trends in Intervention

There are two very recent trends in intervention that I find particularly disturbing. The first is language use intervention. In this scenario a judge objects to the language use of one of the debaters. For example the use of the word mankind instead of

humankind is a typical example of such linguistic intervention. Certainly this is an issue that should be debatable should the opposition desire to make it an issue. However, there have been some instances where despite the oppositions ignoring the "offensive language" the critic took it upon themselves to make it the preeminent issue in the debate. More common than this is a reduction in speaker points. This type of intervention is no more justified than is that discussed above and certainly this type reeks of mind control.

A second trend in intervention is that of the "I can't decide critic." This judge allows the debaters to converse with him and add arguments that the critic may have not flowed or doesn't remember. Smith provided an opening for judges like this,

> The judge, upon reviewing her notes, realizes that she failed to account for those negative arguments when making her decision because she forgot to turn a page of her flow pad. Had she turned the page of her flow pad, she probably would have voted negative. She realizes that her carelessness that caused her to ignore the negative arguments, hence erroneously voting affirmative. This hypothetical example illustrates three ways in which a post-round discussion gives the judge an option to change her decision if she feels it is warranted. This can never be done without disclosure because, as in this situation, most judges would have turned in their ballot without a second thought. Second, even if she does not change her decision, she could learn from her mistake and make a positive effort to not repeat the error in the future. Third, the post-round finding might reduce misinformation from developing because had the debaters only read the RFD after the tournament then all parties would be misinformed. The negative debaters might mistakenly perceive that their arguments, ignored by the judge, were not cogent and would stop using them. The affirmative, realizing that they did not lose to the negative arguments, might perceive that they are not quality arguments which need to be dealt with thoroughly. Also, the judge, who made the erroneous or at least hasty decision, by not considering all the round's pertinent issues, would have no evidence to believe that she is an inadequate judge and, in turn, might continue to ignore pages of her flow in the future (92).

Although I am very sympathetic to Smith's cause (judges revealing decisions), allowing a critic to announce a decision, speak to the debaters about the decision and

then change the decision runs counter to the fairness of the competitive process. The likely result is 3NRs, 3ARs and hard feelings on both sides. In a worst case scenario judges could begin changing their mind after one of the teams has left the area where the debate took place. A judge changing decisions is too problematic to be viewed favorably.

Solutions

"The critic should base the win/loss decision on the decision rules emerging in a particular debate, regardless of the degree of genericism contained by the arguments presented therein. If the topic selection and coaching does not discourage the abuse, then ballot criticism will (Preston 1990 40)." Having provided a compelling argument for allowing generic argumentation Preston takes a wrong turn by allowing an interventionist the opening to use the ballot as a tool for change. Preston suggests using speaker points as a mechanism to discourage inappropriate arguments. I have three objections to this method. Initially, it sends a contradictory message. The signal is that you have bad arguments but your opponent is so lacking in competence that I am going to penalize your speaker points but vote for you. If anyone should be penalized it should be the debater who is only able to sputter "That's silly." This debater shows a lack of critical thinking skills and probably a weak desire to visit the campus library. Secondly, to penalize a debater for what the judge perceives is a bad argument through speaker points prevents the debater from responding. It is possible that the debater has excellent evidence from highly qualified sources explaining why welfare spending is intrinsically linked to the ice age. It shouldn't be required that the debater present this evidence if the opponents don't have the analytical skills to say "no link". Finally, to penalize the debaters in this manner presupposes a greater intelligence i.e. "I am the judge, the knower of all things, and you are wrong." At its best this attitude strikes me as arrogant and at its worst authoritarian."

If speaker points are not the solution, then what. One possible alternative is

ballot or oral criticism that doesn't effect speaker points. The judge can undertake a discussion of the issues with the debaters and explain why they feel the positions in dispute seem to be lacking in substance it is then left to the debaters on how to proceed. It is quite possible that this will stimulate research for both teams. The team that presented the position will research to fill the holes brought up by the critic and their opposition can research the arguments the critic proposed so they will be ready in the future. One particular critic is known for his extensive oral critique about the actual debate i.e. who wins what issues and why based on the arguments presented in the debate. The equally extensive written ballot addresses other concerns, such as argument substance, language use, etc. This seems to be an excellent educational vehicle for all concerned parties. This gives the judge an opportunity to express concerns about "silly arguments" and inappropriate language while at the same time maintaining an educationally sound perspective.

A second solution is an increase in the use of mutual preference judge assignments. This would allow teams to debate in front of critics who are more favorable to their particular style. Although this wouldn't solve for intervention at its source, it would make it less likely since the participants would be able to select judges whose likes and dislikes paralleled those of the debaters.

A more radical solution is that of participant consensus. In this alternative the judge stays completely out of the debate becoming the functional equivalent of a score and time keeper. The 1AC can explicate that they prefer the participant consensus method of decision making. At the end of the debate the participants, absent a negative teams objection, could be given ten minutes to come to a consensus as to what the appropriate decision should be. The judge would then vote as instructed to by the debaters but would retain the prerogative to assign speaker points. If the debaters are unable to reach consensus then nothing is lost. The judge has had ten minutes to evaluate the debate preventing a hasty decision. This method should result in more satisfactory decisions. Sometimes the debaters have a much deeper understanding of the issues and due to intensive research are more qualified to adjudicate the round. This would alleviate the problem of those judges who have only

a superficial understanding of the material and the debate process from making erroneous decisions. It would also rid us of the occasions where the judges are completely lost and then vote randomly on the issues such as a topicality violation that was not extended by the negative team. Occasions like these only irritate the debaters and make the critic appear incompetent. This process would also allow debaters to bypass judges prone to intervention. It would be an extremely surly and uncooperative critic who would override the decision of the debaters. Finally, this procedure would also prevent the critic from deciding, and then changing his mind which would certainly be a welcome change. Although I am sure there are a multitude of arguments against this proposal, I welcome this discussion, I believe that even if this method was effectively utilized only once a tournament it would be worthwhile. Furthermore, even if this is not a mechanism that appeals to the majority of coaches, judges, and debaters it would seem obvious that we need to continue to explore avenues to stop judge intervention and increase the educational value of competitive debate.

References

Balthrop, V.W. "The Debate Judge as 'Critic of Argument': Toward a Transcendent Perspective." Journal of the American Forensic Association, 20 (1983): 1-15.

Brey, James. "A Descriptive Analysis of CEDA Judging Philosophies Part I: Definitive Acceptance or Rejection of Certain Tactics and Arguments." CEDA Yearbook 10 (1989): 67-77.

Dudczak, C.A. "Inherency in Non-policy Propositions: Rediscovering the 'lost ' issue." In Wenzel, J.W. et. al. Ed. Argument and Critical Practices: Proceedings of the Fifth SCA/AFA Conference on Argumentation, (1987): 371-378.
Mallin, Irwin A. "The Application of Proximate Cause to CEDA Debate." CEDA Yearbook 11 (1990): 44-56.

Pfau, M. "A Reasonable Approach to Generic Argument. " In Thomas, D.A. and Hart, J., eds. Advanced Debate: Readings in Theory, Practice, and Teaching, 3d. ed. Lincolnwood, IL: National Textbook Company (1987).

Preston, C. T., Jr. "Genericism vs. Topicism: Towards a Rapprochement in Cross Examination Debate Association Debate." The Forensic, 73 (1987): 1-12.

Preston, C. T., Jr. "The Potential for Generic Argumentation in Cross Examination Debate Association Debate: Toward the Development of Standards." CEDA Yearbook 11 (1990): 34-41.

Smith, Mark W. "To Disclose or Not to Disclose?" CEDA Yearbook 11 (1990): 88-94.

Steinfatt, Thomas M. "College Debate A Quarter Century Later." CEDA Yearbook 11 (1990): 66-71.

Ulrich, Walter. "Eliminating the Abuses of CEDA Debate: The Debate Judge as a Referee." CEDA Yearbook 6 (1985): 39-42.

Wood, Stephen C. "Normative Expectations and Codified Rules: Problems in Judging Academic/Competitive Debate." CEDA Yearbook 13 (1992): 70-82.